

LF 028
(Rev. 11/04/2019)

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

DEC 27 2024

PRISONER CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

RICO LAMAR BALLARD 886719

(Enter above the full name and prisoner
identification number of the plaintiff, GDC
number if a state prisoner.)

1:24-CV-6020

-VS-

- (1) SGT. PARISH
(2) OFFICER CALDWELL
(3) OTHER OFFICER THAT TRANSPORTED PLAINTIFF TO HOSPITAL
(4) FORMER WARDEN KEVIN SPRAYBERRY
(5) DEPUTY WARDEN JOSHUA JONES
(6) FORMER UNIT MANAGER KENNEDY
(7) FLOYD COUNTY HOSPITAL NURSE KANDI

(Enter above the full name of the defendant(s).)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the Court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes (✓) No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): RICO LAMAR BALLARD

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Defendant(s): Fulton County Jail; JACQUELYN BARRETT;
NORMAN GIPSON

2. Court (name the district): NORTHERN DISTRICT COURT OF GEORGIA

3. Docket Number: 1:04-CV-03465-RWS

4. Name of judge to whom case was assigned: RICHARD STORY

5. Did the previous case involve the same facts?

Yes () No (✓)

6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
I WON THE CASE THROUGH A SETTLEMENT AGREEMENT
BUT THEY SAID I LOST IT. I DON'T REMEMBER
IF I APPEALED

7. Approximate date of filing lawsuit: DO NOT REMEMBER

8. Approximate date of disposition: DO NOT REMEMBER

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Place of Present Confinement: HANCOCK STATE PRISON

B. Is there a prisoner grievance procedure in this institution?

Yes (✓) No ()

C. Did you present the facts relating to your complaint under the institution's grievance procedure?

Yes (✓) No ()

D. If your answer is YES:

1. What steps did you take and what were the results?

MY GRIEVANCE RESPONSE WAS STOLEN,
AND I DON'T REMEMBER EXACTLY WHAT
THEY SAID AND

Coal

(2) Ballard v. Perrier et al "6:09-cv-00002 BAC Inc.
Judge B. Award Edenfield and Judge James (Plaintiff) Filed
1-22-09 Date Edited: 4-25-11 Disposition: I went against one
defendant but they are alleging I didn't

(3) Ballard v. Morales 5:21-cv-138 Judge Mark T. Treadwell
and Judge Date Filed 4-23-21 Date 10-1-21
Disposition: Dismissed without prejudice

(4) Ballard v. Holland 5:21-cv-139 Judge Mark T. Treadwell
and Judge Date: 4-23-21 Date Edited: Don't
REMEMBER Disposition: Don't REMEMBER, LEGAL DOCUMENTS
Stated

(5) Ballard v. Matthews 5:21-cv-140 Date Filed: 4-23-21

(6) Ballard v. Harris 5:21-cv-141 Date Filed: 4-23-21

(7) Ballard v. Morales 5:21-cv-142 Date Filed: 4-23-21

Date Edited: I don't REMEMBER Disposition: I don't REMEMBER
But I believe I won Ballard v. Matthews in a settlement
agreement

Judge Mark T. Treadwell and Judge

(8) Gunn v. Lopez 5:15-cv-41 Matt (Hus) Date Filed: I don't
REMEMBER Date Edited: I don't REMEMBER and my legal
documents were stated Disposition: Settlement Agreement

(9) Ballard v. Holland 1:22-10232 F - Notice of Appeal

11th Circuit Court of Appeals Etc Date 1-21-22 -- 1-25-22
Date Filed 3-31-22 Disposition: Dismissed

(10) Ballard v. Morales "21-13881" 6 - Notice of Appeal 11th
 Circuit Court of Appeals Date Filed 11-1-21 / 11-10-21 / 10-7-21
 12-11-21 Date Ended 9-26-22 Affirmed
 Petition for Rehearing Filed 10-12-22 Denied Don't
 Remember Date

(11) Ballard v. Matthews 5:21-cv-140 Notice of Appeal 11th
 Circuit Court of Appeals Appeal Number 22-13730-11
 Don't Remember Decision

(12) Ballard v. Woodward 4:22-cv-124 Filed Date 6-16-22

(13) Ballard v. Popish 4:22-cv-123 Filed Date 6-16-22

(14) Ballard v. Spruery 4:22-cv-125 Filed Date 6-16-22

Date Ended 7-11-22 Disposition Dismissed without

Prejudice with Right to Refile

Please note the facts in Ballard v. Popish 4:22-cv-123
 are the same facts to this current civil action being
 filed

(15) Ballard v. Tvey 5:21-cv-00377 File Date 10-16-21

Date Ended ~~11-2-21~~ 11-2-21 Disposition Dismissed

without Prejudice with Right to Refile

(16) Ballard v. Tvey " 5:21-cv-00377 Notice of Appeal

11th Circuit Court of Appeals awaiting case number

Appeal number 21-13975

(17) Ballard v. Holland Appeal 23-10608 D 11th

Circuit Court of Appeals

Don't Remember Decision

Several other civil rights filed through the
Southern Center for Human Rights Attorney RYAN
Rosenbaum and Cartered earlier that I want which I
don't have the case number too.

I Declare under the Penalty of Perjury that
these are all the civil rights lawsuits cases
that I remember or have the civil rights numbers
I am not trying to hide the Hodgepodge Court
I am also suffering from lost due to so many
hard injuries. If there are more civil rights cases
numbers with the Hodgepodge Court please add them
to this list thanks.

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COUNSELOR COUCH REFUSED TO FORWARD ME
COPIES OF MY GRIEVANCE RESPONSE

2. If your answer is NO, explain why not:

I AM AT HANCOCK STATE PRISON NOW

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: RICO LAMAR BALLARD 886719

Address(es): HANCOCK STATE PRISON
P.O. BOX 339
SPARTA, GA 31087

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): (1) SGT. PARISH (2) OFFICER CALDWELL
(3) OTHER THAT TRANSPORTED PLAINTIFF TO HOSPITAL
(4) FORMER WARDEN KEVIN SPRAYBERRY (5) DEPUTY JOSHUA JONES
(6) FORMER UNIT MANAGER KENNEDY (7) FLOYD COUNTY HOSPITAL NURSE KANDI

Employed as PRISON OFFICIALS AND HOSPITAL NURSE

at HAYS STATE PRISON P.O. BOX 668 777 UNDERWOOD RD
PRISON, GA 30753 FLOYD COUNTY HOSPITAL
304 TURNER MCKELL BLVD, ROME GA
30165

IV. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- () Federal official (a *Bivens* claim)
(☒) State or local officials (a § 1983 claim)

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- B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

MY 8TH AND 14TH AMENDMENT RIGHTS

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

V. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- () Pretrial detainee
() Immigration detainee
() Convicted and sentenced state prisoner
() Convicted and sentenced federal prisoner
(☒) Other (*explain*)

HELD AGAINST MY WILL - FALSELY IMPRISONED

VI. Statement of Claim

State here as briefly as possible the facts of your case. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On 7-6-21 while housed at Hays State Prison H-2-220 STEP DOWN PROGRAM I WAS ATTACKED AND STABBED SEVERAL TIMES BY NUMEROUS OF UNKNOWN INMATES AND AS I ATTEMPTED TO SEEK HELP FROM PRISON OFFICIALS WHILE STANDING AT THE FRONT DOOR FORMER UNIT MANAGER KENNEDY STABBED ME IN THE BACK OF THE HEAD - HOWEVER - BEFORE THIS OCCURRED OFFICER PARISH WHOSE NOW A SGT. INTENTIONALLY OPENED MY CELL DOOR KNOWING OTHER INMATES WERE PLANNING TO ATTACK ME - OFFICER SGT. PARISH OBSERVED SEVERAL INMATES EXITING THEIR CELLS AND STANDING AROUND WITH HOMEMADE KNIVES. YET HE CONTINUED OPENING CELL DOORS INTENTIONALLY ENDANGERING MY LIFE AND OTHER INMATES LIVES - OFFICER SGT. PARISH STEPPED INSIDE MY CELL H-2-220 AND

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PEEKED THROUGH THE TRAYSLAT AS I WAS ATTACKED AND
AFTERWARDS HE RAN OUT THE DORMITORY WITHOUT DIRECTING
OTHER INMATES TO STOP FROM ATTACKING ME AS I
ATTEMPTED TO DEFEND MYSELF

ONCE I MADE IT OUTSIDE THE DORMITORY AFTER
BEING STABBED SEVERAL TIMES BY INMATES AND UNIT
MANAGER KENNEDY A CAPTAIN NAME "LOWE" ESCORTED ME
TO MEDICAL WITH SEVERAL STAB WOUNDS WHILE WALKING.
I OVERHEARD FORMER WARDEN KELVIN SPRAYBERRY
STATE "LET THAT MOTHERFUCKER DIE"

HALFWAY I WAS SEEN BY MEDICAL ~~STAFF~~ AND DOCTOR BURKE ~~OF~~
ASSESSED MY INJURIES. STAB WOUNDS AND ORDERED I BE
TRANSPORTED TO FLOYD COUNTY HOSPITAL WHERE I SAT IN THE
EMERGENCY ROOM CONTINUOUSLY BLEEDING FROM THE STAB
WOUNDS FOR AT LEAST AN HOUR AND A HALF AT THE
HOSPITAL. I WAS SEEN BY NURSE KANDI WHO TREATED
THE WOUNDS AND PLACED SOMETYPE OF GALL INSIDE
THE STAB WOUNDS IN MY LEFT ARM AND ALLOWED IT TO BE STITCHED UP
BUT BEFORE THIS SHE EXITED THE TREATMENT ROOM AND CAME BACK
THAN TOSSED A BIG POISON SNAKE IN MY LAP AND AS THE SNAKE
ATTEMPTED TO BITE ME A CHILD WHO NAME I DON'T KNOW CAUGHT THE
SNAKE AND THREW IT TO THE FLOOR. HE WAS BITE SEVERAL TIMES

VII. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I WAS STABBED SEVERAL TIMES IN THE BACK, ARMS, NECK AND
HEAD MY WOUNDS WERE STITCHED UP WITH GALL INSIDE I
RECEIVED STAPLES TO THE HEAD THEY REFUSED TO TAKE THE
GALL OUT MY LEFT ARM WOUNDS

VIII. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes. If requesting money damages, include the amounts of any actual and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1) THAT I AM AWARDED 7 BILLION DOLLARS IN DAMAGES
OF ALL SORTS AND AS THE COURT DEEMS NECESSARY

(2) THAT EVERY OFFICER, PRISON OFFICIAL AND MEDICAL
PERSONELS INVOLVED ARE IMMEDIATELY FIRED

(3) THAT I AM IMMEDIATELY RELEASED FROM PRISON
BECAUSE I ALREADY MAXED OUT ON MARCH 21, 2020

(4) THAT THESE GALLS THEY PUT INSIDE MY LEFT
ARM IS REMOVED IMMEDIATELY

the two prison officials that escorted me to the Hospital. One of whom came to Officer Caldwell told me he "filed a report against Burke that would kill me". During the incident at the Hospital these 2 officers attacked the shield and the mother pistol outside the treatment room for no reason at all. This can be verified by the Santa Clara County Hospital Security Camera. Just as the incident at the prison can be verified by the Prison Security Camera housed in H-2 Dormitory. After my return to the prison I entered the medical area and Deputy Warden Jones advised the medical staff not to give me pills for the pain.

Dr. Burke told me after at the Hospital that I had a fracture of ball of inside my left shoulder. Stop would and my arm is in constant pain. I've continuously complained about this pain and have filed grievances regarding this. Dr. Burke refused to have it removed or cut. Have my left shoulder area where I was stabbed at X-RAY to verify what I was stating was true.

OFFICER PARISH knew I am somebody who was going to be attacked and still continued to open cell doors for realizing inmates were exiting their cells with knives. He also abandoned me and failed to intervene before and while I was being attacked.

Foreman Unit Manager Kennedy intentionally stabbed me in the back of the head right above the neck area. Foreman Warden Kelvin Spradberry encouraged officers and medical staff not to let me die.

Officer Caldwell and the other escort officer threatened my life.

Nurse Kadar intentionally placed ball inside my stab wound and intentionally tossed a prison ID at me with the intent of causing me harm.

Deputy Warden Joshua Jones advised medical staff not to deny me medical attention for my pain.

Hay's State Prison Doctor Burke denied me medical attention for my pain. I was told that the ball was stuck in my shoulder. After with fear I remove the ball that was stuck in my stab wound.

I was stabbed several times in the head, neck, back, and arm. I am still in constant pain from the stab wound and the right side of my head is partially numb.

These prison officials have violated my 8th and 14th Amendment Constitutional rights amongst other constitutional rights as well as caused me deliberate indifference to my health and safety.

More. On 7-2-21 I was assaulted by several unknown inmates while I was housed in H-2-220 and I looked around. There were several officers coming looking within the cell but did not do anything.

from my phone. However, after the incident, I reported this to the FBI. I called my cell and told me that it was a good idea to get a copy of the report. He told me that I would be assaulted again and said July 2 2021 and July 6 2021. I was assaulted and hit several times while I was housed in the F-1 cell. 2nd inmates and officers would punch my cell as I slept. Some of these attacks occurred during the middle of the night while I was sleeping. I was hit by the police.

This can be verified by the security camera surveillance for those days.

Former Facility Security Blackout came to me on July 2 2021 and told me that it was a good idea to get a copy of the report. He told me that I would be assaulted again and said July 2 2021 and July 6 2021. I was assaulted and hit several times while I was housed in the F-1 cell. 2nd inmates and officers would punch my cell as I slept. Some of these attacks occurred during the middle of the night while I was sleeping. I was hit by the police.

All during that time I was housed in F-1-207. I was being escorted from the stairs by former unit manager Kennedy and as I turned the corner at the end of the corridor former unit manager Kennedy raised his hand and made a knife to the back of my back and then without any type of provocation and did not take me to get no medical treatment.

Ernest County Hospital Nurse ^{Kantol} was Deliberate Indifference
to my Health, Safety and serious medical needs. By
stitching a cut in my left arm, Star wounds and
passing a snake to my LOP with intentions of it harming
me which resulted in Intense ~~and~~ unbearable pain
and agony to my left arm because the gall remains
to my left arm.

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Signed this 20th day of DECEMBER, 2024.

Rico L Ball 886719
Signature of Plaintiff

STATE OF Georgia
COUNTY (CITY) OF SPARTA

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON 12-20-24
(Date)

Rico L Ball 886719
Signature of Plaintiff

HANCOCK STATE PRISON
P.O. BOX 339
SPARTA, GA 31087

Certificates of Service

I do hereby certify that I have this day deposited with the clerk of the Court, 42 USC 1983 in the US opposite parties, the following: ~~and I have~~ ~~on the~~ ~~at~~

(1) ~~United States District Court~~ ~~Northern District of Georgia~~

2011 United States Courthouse

75 Ted Turner Drive

Atlanta, GA 30303-3361

(2) Sgt. Parish Officer Caldwell, other officer that transported Plaintiff to Hospital. Officer wanted to see sprayberry. Deputy wanted Justice Jones' Capers Unit. Machine. Kennedy.

Hayes State Prison

P.O. Box 668

777 Underwood Road

Trion, GA 30753

(3) Floyd County Hospital Nurse Knight

Floyd County Hospital

301 Twank M'Call Blvd.

Rome, GA 30161

this the 20th Day of DECEMBER 2024

Rene L. Ballard 886719

Rene L. Ballard 886719

Hayes State Prison

P.O. Box 339

SPARTA, GA 30885

United States District Court
For the
Northern District of Georgia

Rico Lamar Ballard : CASE #:

-v-
SGT. PARISH, ET AL

SUMMONS IN A CIVIL ACTION

to: (1) SGT. PARISH (2) OFFICER CALDWELL (3) OTHER OFFICER THAT
TRANSPORTED PLAINTIFF TO HOSPITAL (4) FORMER WARDEN KELVIN SPRAYBERRY
(5) DEPUTY WARDEN JOSHUA JONES (6) FORMER UNIT MANAGER KENNEDY

A LAWSUIT HAS BEEN FILED AGAINST YOU ... WITHIN
21 DAYS AFTER SERVICE OF THIS SUMMONS ON YOU (NOT COUNTING
THE DAY YOU RECEIVED IT) OR 60 DAYS IF YOU ARE THE UNITED STATES
OR A UNITED STATES AGENCY OR AN OFFICER OR EMPLOYEE OF THE UNITED
STATES DESCRIBED IN FED. R. CIV. P. 12(a)(2) OR (3) ... YOU MUST SERVE
ON THE PLAINTIFF AN ANSWER TO THE ATTACHED COMPLAINT OR A MOTION
UNDER RULE 12 OF THE FEDERAL RULES OF CIVIL PROCEDURE. THE ANSWER
OR MOTION MUST BE SERVED ON THE PLAINTIFF OR PLAINTIFF(S) ATTORNEY
WHOSE NAME AND ADDRESS ARE:

RICO LAMAR BALLARD *886719; HAYS STATE PRISON; P.O. BOX 668
TALLAHASSEE, GA 32304

IF YOU FAIL TO RESPOND, JUDGMENT BY DEFAULT WILL BE
ENTERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT
YOU ALSO MUST FILE YOUR ANSWER OR MOTION WITH THE COURT

DATE

SIGNATURE OF CLERK OR DEPUTY CLERK

PROOF OF SERVICE

(THIS SECTION SHOULD NOT BE FILED WITH THE COURT UNLESS
REQUIRED BY FED. R. CIV. P. 4(f))

THIS SUMMONS FOR _____

_____ WAS RECEIVED BY ME ON _____

☐ I ^{DATE} PERSONALLY SERVED THE SUMMONS ON THE INDIVIDUAL AT _____
ON DATE _____

OR
☐ I LEFT THE SUMMONS AT THE INDIVIDUAL'S RESIDENCE OR USUAL
PLACE OF ABODE WITH _____
NAME
A PERSON OF SUSTAINABLE AGE
AND DISCRETION WHO RESIDES THERE ON DATE _____

_____ AND MAILED A COPY TO THE
INDIVIDUAL'S LAST KNOWN ADDRESS, OR

☐ I SERVED THE SUMMONS ON (NAME OF INDIVIDUAL) _____
_____ WHO IS DESIGNATED
BY LAW TO ACCEPT SERVICE OF PROCESS ON BEHALF OF (NAME OF
ORGANIZATION) _____ ON DATE _____

OR
☐ I RETURNED THE SUMMONS UNEXECUTED BECAUSE _____

OR ☐ OTHER (SPECIFY) _____
MY FEES ARE \$ _____ FOR TRAVEL AND \$ _____
FOR SERVICES, FOR A TOTAL OF \$ _____ 0.00

I DECLARE UNDER PENALTY OF PERJURY THAT THIS INFORMATION IS TRUE
DATE: _____

SERVER'S SIGNATURE

PRINTED NAME AND TITLE

SERVER'S ADDRESS

CERTIFICATE OF SERVICE

I do HEREBY certify that I have this day deposited a accurate copy of the foregoing SUMMONS in a CIVIL ACTION in the US MAIL with affixed postage and served on the opposite parties through this Honorable Court at

(1) United States District Court
Northern District of Georgia
221 United States Courthouse
75 Ted Turner Drive
Atlanta, GA 30303-3361

(2) Sgt. Parish; Officer Caldwell; Other Officer that transported Plaintiff to Hospital; Former Warden Kelvin Sprayberry; Deputy Warden Joshua Jones; Former Unit Manager Kennedy

Hays State Prison
P.O. Box 668
777 Underwood Road
Tifton GA 30753

(3) Floyd County Hospital Nurse Kandi
Floyd County Hospital
304 Turner McCall Blvd
Rome, GA 30105

THIS THE 20 DAY OF DECEMBER 2024

Rico L. Ballard 886719

Rico L. Ballard 886719
Hancock State Prison
P.O. Box 339
SPARTA, GA 31087